

REMARKS

Examiner has restricted the claims in the case as follows:

Group I: Claims 1 through 10 and 14 through 20.

Group II: Claims 11 through 13.

Applicant respectfully traverses the restriction.

Examiner has argued that Group I claims and Group II claims are related as process of making and product made. This is incorrect. The Group 1 claims (method claims 11 through 13) do not set out a process by which the light generating device set out in the Group 1 claims is made. Rather, Group I claims and Group II claims might possibly be regarded as a process and apparatus for its practice, as described in MPEP 806.05(e).

Examiner has further argued as follows:

In the instant case, the product as claimed can be made by another and materially different process, such that instead of using first and second types of phosphor, it would be possible to use different semiconductor materials to generate different color light.

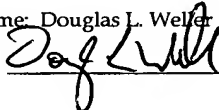
This reasoning by Examiner is incorrect. Specifically, all the claims in the case (including all the Group I claims and all the Group II claims) specifically recite that first and second types of phosphor are used to emit different color light. There is therefore no basis for the Examiner's argument, that in some, and only some, of the claims it would be possible to replace phosphor with different semiconductor materials to generate different color light.

In accordance with the requirement of 37 CFR 1.143, provisionally elects
to prosecute Group I claims (claims 1 through 11 and 14 through 20).

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